

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00305-RDM**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
HOMELAND SECURITY et al
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 02/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **John E. Bies**
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V.

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

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Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Brian J. Field**
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LEAD ATTORNEY
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Date Filed	#	Docket Text
02/09/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5326395) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(Cafasso, Cerissa) (Entered: 02/09/2018)
02/09/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 02/09/2018)
02/09/2018		Case Assigned to Judge Randolph D. Moss. (jd) (Entered: 02/09/2018)
02/09/2018	<u>3</u>	SUMMONS (4) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 02/09/2018)
02/09/2018	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 2/9/2018. (lcrdm2,) (Entered: 02/09/2018)
03/13/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/20/2018. (Answer due for ALL FEDERAL DEFENDANTS by 3/22/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 2/16/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 2/16/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/20/2018. (Attachments: # <u>1</u> Exhibit A)(Cafasso, Cerissa) (Entered: 03/13/2018)
03/22/2018	<u>6</u>	NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 03/22/2018)
03/22/2018	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY.(Field, Brian) Modified to add link on 3/23/2018 (znmw). (Entered: 03/22/2018)
03/22/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on April 25, 2018, at 10:00 a.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 3/22/2018. (lcrdm2,) (Entered: 03/22/2018)
03/23/2018		Set/Reset Hearings: Initial Scheduling Conference set for 4/25/2018, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 03/23/2018)
04/24/2018	<u>8</u>	NOTICE of Appearance by John E. Bies on behalf of AMERICAN OVERSIGHT (Bies, John) (Entered: 04/24/2018)
04/25/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 4/25/2018. Joint Status Report due by 5/24/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 04/25/2018)
05/24/2018	<u>9</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 05/24/2018)
06/01/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall file a further joint status report on or before June 25, 2018, proposing a production schedule and identifying any remaining issues. Signed by Judge Randolph D. Moss on 6/1/2018. (lcrdm2,) (Entered: 06/01/2018)
06/04/2018		Set/Reset Deadlines: Joint Status Report due by 6/25/2018. (kt) (Entered: 06/04/2018)
06/25/2018	<u>10</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 06/25/2018)

06/26/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall file a further joint status report on or before July 13, 2018, proposing a production schedule and identifying any remaining issues. Signed by Judge Randolph D. Moss on 6/26/2018. (lcrdm2,) (Entered: 06/26/2018)
06/26/2018		Set/Reset Deadlines: Joint Status Report due by 7/13/2018. (kt) (Entered: 06/26/2018)
06/29/2018	<u>11</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Field, Brian) (Entered: 06/29/2018)
06/29/2018	<u>12</u>	NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Entered: 06/29/2018)
07/01/2018		MINUTE ORDER: Defendants' consent motion for extension <u>11</u> is hereby GRANTED. The parties shall file their next joint status report on July 18, 2018. Signed by Judge Randolph D. Moss on 7/1/2018. (lcrdm2,) (Entered: 07/01/2018)
07/02/2018		Set/Reset Deadlines: Joint Status Report due by 7/18/2018. (kt) (Entered: 07/02/2018)
07/18/2018	<u>13</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 07/18/2018)
07/20/2018		MINUTE ORDER: In light of the parties' Joint Status Report <u>13</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before August 16, 2018. Signed by Judge Randolph D. Moss on 7/20/18.(lcrdm2,) (Entered: 07/20/2018)
07/23/2018		Set/Reset Deadlines: Joint Status Report due by 8/16/2018. (kt) (Entered: 07/23/2018)
08/16/2018	<u>14</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 08/16/2018)
08/17/2018		MINUTE ORDER: In light of the parties' Joint Status Report, Dkt. <u>14</u> , it is hereby ORDERED that the parties shall meet and confer to resolve the scope of the search at issue on or before September 17, 2018. It is further ORDERED that the parties shall submit a further joint status report on or before October 16, 2018. Signed by Judge Randolph D. Moss on 8/17/2018. (lcrdm2,) (Entered: 08/17/2018)
08/17/2018		Set/Reset Deadlines: Attorney Meet and Confer Conference due by 9/17/2018; Joint Status Report due by 10/16/2018. (kt) (Entered: 08/17/2018)
10/16/2018	<u>15</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 10/16/2018)
10/19/2018		MINUTE ORDER: In light of the parties' joint status report, Dkt. <u>15</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before November 7, 2018. In that status report, the parties shall provide an update on the status of request CBP-2017-091929, including when DHS anticipates completing its consultation and when CBP anticipates completing production of the records at issue. The Court will determine whether a further order is necessary in light of that status report. Signed by Judge Randolph D. Moss on 10/19/2018. (lcrdm2,) (Entered: 10/19/2018)
10/19/2018		Set/Reset Deadlines: Joint Status Report due by 11/7/2018. (kt) (Entered: 10/19/2018)
11/07/2018	<u>16</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order Defendants' Proposed Order, # <u>2</u> Text of Proposed Order Plaintiff's Proposed Order)(Field, Brian) (Entered: 11/07/2018)
11/08/2018		MINUTE ORDER: In light of the parties' joint status report, Dkt. 16, it is hereby ORDERED that the parties shall file a further joint status report on or before December 3, 2018. The Court will determine whether a further order is necessary in light of that status report. Signed by Judge Randolph D. Moss on 11/8/2018. (lcrdm2,) (Entered: 11/08/2018)
11/08/2018		Set/Reset Deadlines: Joint Status Report due by 12/3/2018. (dot) (Entered: 11/13/2018)

12/03/2018	<u>17</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 12/03/2018)
12/04/2018		MINUTE ORDER: In light of the parties' joint status report, Dkt. 17, it is hereby ORDERED that the parties shall file a further joint status report on or before January 14, 2019 updating the Court on the status of Plaintiff's FOIA requests and setting forth recommendations for any further proceedings. Signed by Judge Randolph D. Moss on 12/4/2018. (lcrdm2,) (Entered: 12/04/2018)
12/04/2018		Set/Reset Deadlines: Joint Status Report due by 1/14/2019. (kt) (Entered: 12/04/2018)
01/10/2019	<u>18</u>	MOTION to Stay <i>in Light of the Lapse in Appropriations</i> by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Field, Brian) (Entered: 01/10/2019)
01/11/2019		MINUTE ORDER: Upon consideration of the government's motion to stay <u>18</u> , it is hereby ORDERED that the motion is GRANTED in part and DENIED in part. The parties shall file their status joint status report on or before February 4, 2019. It is further ORDERED that the government shall be permitted to renew its motion for a stay or for other relief if the lapse in appropriations extends beyond January 25, 2019. Signed by Judge Randolph D. Moss on 1/11/2019. (lcrdm2,) (Entered: 01/11/2019)
01/11/2019		Set/Reset Deadlines: Government's renewed motion for a stay or for other relief if the lapse in appropriations extends beyond 1/25/2019; Joint Status Report due by 2/4/2019. (kt) (Entered: 01/11/2019)